THE TRIAL OF CAPTAIN LIVESLEY, FOR CRUELTY & ILL-TREATMENT, TO *POTTER JACKSON*, AN AFRICAN NEGRO;

On board the LORD STANLEY, a Ship in the African Trade.

Before Lord Ellenborough in the Court of King's Bench Guildhall, on Thursday, July 10, 1806.

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THE

TRIAL, &c.

THIS was an action for Cruelty and Ill-treatment. The defendant is the Captain of the Lord Stanley Slave ship, and the plaintiff, a man of colour, was Captain's Steward on board the same ship. The plaintiff laid his damages at £500.

Mr. PARK stated the case to the Jury with great feeling, and lamented that the plaintiff had not laid his damages at more than £500 as he was convinced, after the Jury should have heard the facts he had to lay before them, they would agree with him in thinking that sum by no means sufficient to recompence the plaintiff's sufferings. The case, he said, was so shocking, so brutal, and unparalleled, that it was as astonishing that the unfortunate victim of that brutality should have survived his sufferings, as it was that a human being should be found so wicked and depraved. He had said that the case was unparalleled, he hoped he had said true, but the African Slave Trade had instanced so many acts of cruelty, that he feared the case was not without a precedent. The plaintiff was taken on board at Jamaica after the Lord Stanley had delivered its cargo of Slaves, and was proceeding on his voyage home to Liverpool. On the 4th of June was a twelvemonth the Second Mate, Robinson, who had also been hired at Jamaica, was the Commander of the watch, when the plaintiff, the Captain's Steward, asked his permission to go below and prepare the First Mate's hammock? The Mate gave it, and he immediately went below. On his

return Captain Livesley demanded of him what he had been below for? The plaintiff told him, adding that he had given the First Mate some grog; at which the defendant was displeased. The First Mate heard the conversation, and coming upon deck some time after, said he would flog the plaintive for his loquacity. The plaintiff said he would throw himself into the sea rather than be flogged, and immediately flung himself into the main chains, apparently for that purpose. The First Mate however, caught him, and actually flung him into the sea, that he might not be disappointed. The ship at that time was going at the rate of nine knots an hour, and but for the humanity of the Second Mate, the plaintiff must have perished. He lowered a boat, and picked up the unfortunate man, who, on coming on board, was put before the mast by the Captain. His hands were fastened behind him, and his legs were fastened to a ring bolt. In that situation he was kept for eight hours, and during the whole of the time buckets of water were thrown upon him—the defendant observing, that, if he wished for salt water, he should have enough of it. The plaintiff was then charged with having purloined some money belonging to the passengers, which he denied, saying that he only possessed six doubloons, which were his own property. The defendant then made a cat-o'-nine-tails of some new log line, and flogged the plaintiff with it till he was himself exhausted. He then ordered the Chief and Second Mates to flog him, who laid on till they were also exhausted. When that was done, the defendant caused a quantity of salt pickle to be rubbed into the plaintiff's lacerated back, which occasioned him the most excruciating agony.

He then caused him to be put into a turtle cask up to his chin in salt water, and, by way of insulting his misery, and his agonies, he told him, as he was d—d fond of salt water, he should have enough of it; he therefore kept continually ducking the poor fellow's head under the water, till he was nearly suffocated and dying with the ill-treatment. He was then taken out, double ironed, and in that state kept for 18 hours, with not a rag of covering upon his body. This was on the 7th of June. On the 8th the plaintiff still smarting with agony, was again questioned as to the money lost by the passengers. The defendant said, if he did not confess where it was, he would have the value out of him. The plaintiff either would not, or could not, satisfy the defendant, and he was again lashed up, and again flogged, till he fell insensible under the lash. He was, however, recovered to life, and remained ironed till the next day. After that he was again punished on the 11th, 13th, and 14th, till at last (the plaintiff writhing under increased agonies) the blood gushed from his breasts, and he was conveyed below in a state of apparently approaching death. Notwithstanding such cruelty he miraculously lived till the ship arrived at Liverpool, where he was put under the care of a surgeon, and his existence preserved, though he remained indisposed to the present moment.

Robinson, the Second Mate, confirmed this statement in every part, adding, that he never saw a human creature suffer so much; and that at the last flogging he received near a thousand lashes.

Mr. Lindsay, a Surgeon at Liverpool, stated, that he had attended public military punishments for eight years, but that he never saw any thing

to equal the lacerated condition in which he found the plaintiff. He attended him four months at his own lodgings, during which time a piece of flesh, 16 inches square, came from his back. He then found that his recovery would be very slow, if at all, and he procured him admission into the infirmary, where he had remained ever since. The wounds, he said, were now healed, but the muscles of his shoulders were contracted, and the man's back exhibited a most deplorable proof of severity and ill-treatment. He added, that the man was in Court, and he wished the Jury to see his wounds.

Mr. PARK replied, that he would not shock the Jury with such an exhibition. The evidence they had heard, he trusted, would be sufficiently conclusive.

Mr. TOPPING said, that the defendant had left England on another voyage to the West Indies, without leaving any instructions respecting his defence, and consequently he was in no condition to disprove the evidence. He should only observe, that the case must have been exaggerated, as it was impossible a human being could have survived under such complicated and multiplied sufferings.

Lord ELLENBOROUGH said, that he could find no adequate provocation for the punishment inflicted; and had not the sufferings of the plaintiff been confirmed by the testimony of the Surgeon, he should himself have thought those sufferings and that punishment to have been exaggerated. The evidence, however, of the Surgeon, and the want of evidence on the part of the defence was conclusive. If the defendant had suspected the plaintiff of the theft, he should have postponed the investigation for a competent Court on his return. He had no

right to take the law into his own hands. He should repeat that the case appeared to him so extravagantly cruel, as to exceed all ideas he had ever formed of human depravity; and the conduct of the defendant subsequent to the punishment, was so wanton that he was at a loss to find a motive for adding such insult to cruelty. No excuse, however, had been offered, and the Jury would say what reparation the unfortunate man deserved for all his sufferings.

The Jury gave the plantiff a verdict—Damages, *Five Hundred Pounds!*

Behold, Reader, in what you have just read, a fair specimen, or rather a foul one, of the horrible Cruelty of these African Traders! Dealers in Human Flesh! Men of Blood!!! "Instruments "of Cruelty are in their Habitations. O my Soul, "come not thou into their Secret; unto their as- "sembly, mine honour be not thou united; Cursed "be their anger, for it was fierce, and their wrath "for it was Cruel:" Gen. XLIX. 5. 6. 7.

Surely, after the perusal of the above account no man, it is hoped, will ever again stand forth as an advocate fo the continuance of that horrible! horrible! most horrible traffic called

THE SLAVE TRADE!

In the exercise of which, the mind gets so hardened in iniquity, as to delight in Cruelty like this!

Hence we learn that the wicked, even in this world, shall not go unpunished—if this poor Creature, whose Breasts were made to weep Blood, from the Savage Ferocity of these Blood-hounds, had died under the Torture, he would have been hurled overboard into the Deep, and this Murderous Captain, would, like some others of these Savages, have escaped the hands of justice;—But, No! that God who can preserve by a miracle, took care of the Bleeding Ethiopian, whose rending sighs came unto the Ears of the Lord God of Sabaoth, and he was spared to tell his sad tale (enough to make Devils weep), in an English Court of Judicature, where even handed Justice holds the Scale so equal, that the Poor Negro's Complaint is heard with the same patient attention as that of the overgrown Planter or the rich Nabob, and where no Culprit, however exalted his station, or elevated his Rank, can escape with impunity.

May we not hence learn to what a pitch of depravity, the human mind, if permitted to fill up the measure of its iniquity, may go! A recital like this, is an awful Commentary on that text in Jer. 17.—"The *heart* is deceitful above all things, and "*desperately wicked, who can know it?* and on Matt. "xv. 19.—Out of the *heart* proceed evil thoughts, "MURDERS, adulteries, fornications, thefts, "false witness, blasphemies." If all the evils that

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are in our *hearts* were permitted to *break out* as in this man, what a field of blood would this world exhibit! Perhaps some reader may say, *My* Heart is not so bad as all this, neither: but who art thou, O man, that through the deceitfulness of thine heart thus repliest against God? Know, my brother, that the sad state of the *heart of man*, which, unrestrained by grace, breaks out into all the evils and abominations that stain the Page of History, is to be ascribed to the dreadful Fall of our first Parents, which

"Brought Death into the world and all our woe;"

and nothing can restore the lost image of God in the soul of man, but his being born again of the Spirit of God; "for except a man be born again he "cannot see the Kingdom of God;" and there is no other way by which a man can obtain pardon of his numerous sins committed in thought, word, and deed, nor by which he can find acceptance in the sight of an Infinitely Pure and Holy God, but through the blood and righteousness of the Lord Jesus Christ.

Reader, if you want to know the greatest argument to prove how desperate is the Fall of Man, look at the Son of God expiring on the Cross!!! for a Sacrifice of no less Value would or could have availed to save men from Hell who believe in Him.

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